

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 11651 of 2004

Between:

Avasarala Prasada Rao, S/o.Sri A.Venkateswara Rao,
R/o.6-9-2, Sugar Colony, Palakollu-534260
West Godavari Dist.

..... PETITIONER

AND

1 The Managing Director (FAC), A,S.M.Coop.Sugars Ltd.,Palakollu-534260,
West Godavari Dist. FAC, Revenue Divisional officer,

Narasapoor,W.G.Dist.

2 The Commissioner and Director of Sugars & Cane Commissioner,

Andhra Pradesh at Hyderabad.

3 The Principal Secretary, Implementation Secretariat,Public Enterprises
Dept.,310, B.Block, III floor, A.P.Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the proceedings in R.C.No.6883/2003 G2 dated 3-7-2003 and date 12-12-2003 of 2nd respondent herein as illegal, arbitrary and unconstitutional and consequently direct the 2nd Respondent to sent the proposals for settlement of

Revised pay scales of the petitioner to the 3rd Respondent herein as recommended by 1st respondent herein.

Counsel for the Petitioner:MR.G.RAMESH BABU

Counsel for the Respondents.: GP FOR INDUSTRIES & COMMERCE

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner for declaring the proceedings in R.C.No.6883/2003/G2, dated 03-07-2003 and 12-12-2003 issued by the second respondent as illegal and arbitrary.

The impugned proceedings were issued on the ground that the petitioner has already taken Voluntary Retirement Scheme and therefore, he is not entitled for the revised pay scale.

Learned counsel appearing for the petitioner contended that the petitioner has not taken any Voluntary Retirement Scheme and therefore, he is entitled for the revised pay scale.

Learned Government Pleader for Industries & Commerce appearing for the respondents opposed the same on the ground that the industry has become sick and therefore, the question of implementation of revised pay scale to the petitioner does not arise.

Though the industry has become sick, but the assets have been sold to the third parties. Hence, sale proceeds are available for payment of salaries. The second respondent has to take appropriate decision as to whether the petitioner is entitled for the revised pay scale or not. Therefore, a direction can be given to the second respondent to review the representation of the petitioner in the light of the recommendation made by the first respondent as per rules and regulations within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. In the circumstances, no costs.

16th JULY, 2004.

Note: furnish c.c. in two days.

B/o

Kvni

To

1 The Managing Director (FAC), A.S.M.Coop.Sugars Ltd.,Palakollu-534260,
West Godavari Dist. FAC, Revenue Divisional officer,

Narasapoor,W.G.Dist.

2 The Commissioner and Director of Sugars & Cane Commissioner,

Andhra Pradesh at Hyderabad.

3 The Principal Secretary, Implementation Secretariat,Public Enterprises
Dept.,310, B.Block, III floor, A.P.Secretariat, Hyderabad.

4 Two CCs to the Government Pleader for Industries & Commerce, A.P.High Court
Buildings, Hyderabad.(OUT)

5 Two CD copies.

